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OGC Has Reviewed

31 October 1951

MEMORANDUM TO THE FILES

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SUBJECT: Patents - [ ]

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[ ] at the present time in the employ of CIA, in compliance with CIA notices, presented certain inventions of his to the CIA Patents Board for determination of ownership in accordance with Executive Order 1096. At this time, a final determination of ownership has not yet been made.

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[ ] has a number of inventions which have not yet been reduced to practice, and, aside from the question of ownership, he is interested in further development of his work by use of Government Laboratories or through the assistance of a private sponsor, either individual or corporate. I informed him that the Inventors' Council which had been active during the last war and is now in the process of reactivation would not be appropriate since the purpose is to screen private inventions flowing from the outside into the Government rather than from inside the Government out.

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On 29 October I introduced [ ] to Captain George Robillard, USN, (at present the General Patent Counsel for the Navy Department) and discussed the best means of providing [ ] the assistance he wanted. Captain Robillard first pointed out that since [ ] was at the present time an employee of the Government he would not be entitled to any payment by the Government for use of his invention under the Act of 1910 which denies him a remedy while he is an employee. I asked the Captain if he thought that would be true if [ ] employment was terminated at this time. He thought that would revive his right, although the answer has not been clearly determined.

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[ ] showed Captain Robillard a disclosure of the first invention he had presented to the CIA Patents Board, and the Captain considered it sufficient for immediate action without preparation of additional papers or a working model. Captain Robillard indicated that the invention could be evaluated by the proper technical personnel in the Navy Department if [ ] so desires. But he pointed out that at the present time there is a considerable backlog in the preparation of applications for filing. It should be noted that the application would be filed in [ ]'s name. If and when the patent issued, [ ] would be the patentee and the Government would simply reserve a royalty-free shopright. There may, of course, be other departments in the Government that would be interested (i.e.- NPA, DPA and the other Defense Agencies).

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[ ] was somewhat concerned about the security factor and was reassured by Captain Robillard that any application filed in the Patent Office would be immediately screened for submission to Section 70 where consideration would be given to the issuance of a secrecy order. The latter could, of course, be obtained by direct request to the Patent Office by any agency of the Government.

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Captain Robillard advised [ ] to decide whether he was willing to accept the delay connected with preparation of the application by the Government. If [ ] is unwilling to wait and wishes to resort to private support, the Captain will endeavor to give him the names of corporations designed for that specific purpose.

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In a telephone conversation with me today, Captain Robillard emphasized the fact that [ ] should present no more than one invention at a time in order to concentrate attention on that one alone.

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Office of the General Counsel

OGC/CWP/evs

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